



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

November 7, 2013

Mr. John Gailey
Touchet River Ranch LLC
222 Indian Court
Richland, Washington 99352

Re: Application for Change under Touchet River Adjudicated Certificate No. 345

Dear Mr. Gailey:

On, August 29, 2013 this office notified you that Water Application Number 345 would be rejected unless you obtained the signatures of the other land owners within the place of use and provided an Affidavit of Publication.

Since we received no response to that notice, your Application for Change to Touchet River Adjudicated Certificate Number 345 (CS3-*34345J) is hereby **rejected**.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.



November 7, 2013

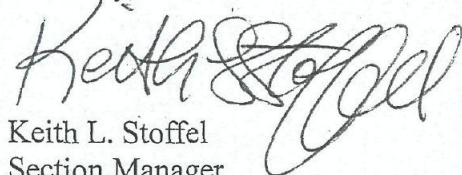
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature
Website: <http://www1.leg.wa.gov/CodeReviser>.

If you have any questions, please contact Dan Tolleson at 509-329-3526.

Sincerely,



Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KLS/DT:md

Enclosure: *Your Right to Be Heard*

By certified mail: 7012 3050 0000 1094 6268

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Sent To

Street, Apt
or PO Box

City, State, Zip

MR JOHN GAILEY
TOUCHET RIVER RANCH LLC
222 INDIAN COURT
RICHLAND WA 99352

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR JOHN GAILEY
TOUCHET RIVER RANCH LLC
222 INDIAN COURT
RICHLAND WA 99352

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

B. Received by (Printed Name)

☐ Agent

☒ Addressee

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

Service Type

☐ Certified Mail

☐ Registered

☐ Insured Mail

☐ Express Mail

☐ Return Receipt for Merchandise

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1540



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

August 29, 2013

Mr. John Gailey
Touchet River Ranch, LLC
222 Indian Court
Richland, Washington 99352

Dear Mr. Gailey:

Re: Application for Change under Certificate No. 345

The Department of Ecology (Ecology) is currently reviewing the change applications on file within Water Resource Inventory Area (WRIA) 32, the Walla Walla River Basin. Your applications cannot be processed as submitted.

You will need to obtain the signatures of the other land owners within the place of use described on the water right, see enclosed map. This typically requires the land owners to agree on who owns what part of the right. The reason the signatures are required is because the place of use is significantly larger than the acres of irrigation authorized under the right, which would leave an uncertainty of who has what portion of the right.

In addition, we have not received the original Affidavit of Publication for your application. If you have not yet published the notice in a newspaper of general circulation in the area of your application, please do so as soon as possible. After publication, the publishing newspaper should provide you with a notarized original Affidavit of Publication, which should be forwarded to our office. If you published the notice but have not mailed the Affidavit of Publication to this office, please do so as soon as possible. Please remember to send the original Affidavit of Publication, not a photocopy.

If we do not receive a response within 30 days from the date of this letter, it will be assumed that you no longer have any interest in this change application. At which time the application for change will be rejected. Rejection of the applications will not affect the existing water rights.

If you have any questions or need information please contact me at (509) 329-3526 or dtol461@ecy.wa.gov.

Sincerely,

Dan Tolleson
Water Resources Program
Eastern Regional Office

DT:md

Enclosure: *Map of Project*
Copy of Application
Public Notice
Signature form

*reject application
no response
DT 10/28/2013*

By CERTIFIED MAIL: 7011 3500 0001 8621 7200



U.S. Postal Service™
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(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

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Return Receipt Fee (Endorsement Required)	

Restrictor
(Endorser)

Total Po

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Street, Ap
or PO Box

City, State, ZIP+4

MR JOHN GAILEY
TOUCHET RIVER RANCH LLC
222 INDIAN COURT
RICHLAND WA 99352

Postmark
Here
9.17.13

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR JOHN GAILEY
TOUCHET RIVER RANCH LLC
222 INDIAN COURT
RICHLAND WA 99352

2. Article Number

(Transfer from service label)

7011 3500 0001 8621 7200

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

G.F. Vargo

☒ Agent

☐ Addressee

B. Received by (Printed Name)

G.F. VARGO

C. Date of Delivery

9-18

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

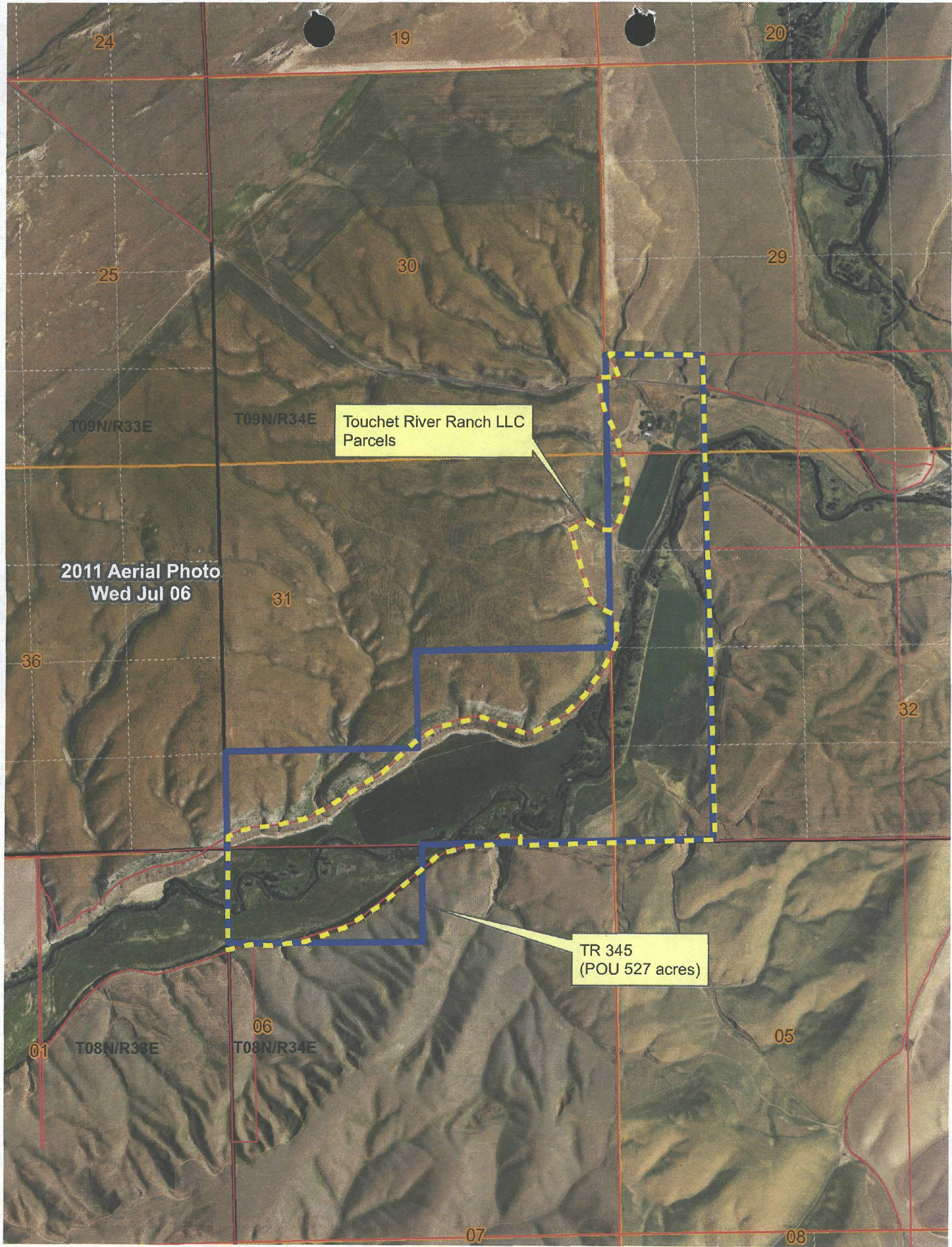
☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



Touchet River Ranch LLC
Parcels

2011 Aerial Photo
Wed Jul 06

TR 345
(POU 527 acres)

RECEIPT

Department of Ecology (4610)
PO Box 47611
Olympia, WA 98504-7611
(360) 407-7095

Receipt Number
Manual Receipt

13CJ018940

Document Number 461R2853 CJ Date 05/23/2013 FM 23

Remitter Name TOUCHET RIVER RANCH LLC Receipt Name

Check/Draw Number 1375

Document Amount 294.00

Method of Payment Check

Comment Description WATER RIGHT - ERO 2 change apps TRAC 345 & 344

REF DOC NR	REF DOC SFX	INV NR	ID NR	SUB ID NR	T C	R	FUND	MAJ	MAG	SUB	SRC	CNTY	WORK	PIC	AI	ORG	PRJ	SUB PRJ	PRJ PHS	SUB OBJ	SUB SUB OBJ	VAR GL	SUB SID DR	SUB SID CR	ALLOC AMT
					001		001			02	85	000011													294.00

RECEIVED

MAY 28 2013

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

May 29, 2013

Mr. John Gailey
Touchet River Ranch, LLC
222 Indian Court
Richland, WA 99352

COPY

Dear Mr. Gailey:

Re: Application for Change under Touchet Adjudicated Surface Water Certificate No. 345
WRIA 32 – Walla Walla County

We received your Application for Change. Your next step is to publish a legal notice. The notice announces your proposed water use to the public and allows interested persons to comment. We have prepared and enclosed this notice for you.

Review Legal Notice Carefully

It is your responsibility to check the notice carefully before having it published. If you find an error, please contact this office for resolution. If we later find an error in your public notice, you may be required to publish an amended notice at your expense.

Publishing Legal Notice

You need to arrange and pay for publishing the legal notice in a newspaper in Walla Walla County.

- Publish the notice in the Union Bulletin OR the Waitsburg Times.
- This newspaper has a general circulation in the area the water will be used and diverted.
- Ensure that the notice appears once a week for two consecutive weeks.

If your published notice does not meet the above criteria, you will be required to have the notice republished at your expense.

Publication should start within 30 days from the date of this letter.

Next Step

You must request an *Affidavit of Publication* from the newspaper in which your notice appeared. The affidavit must be an original, notarized copy of your published notice. Please forward it to our office as soon as possible.

If you have any questions, you may contact me at 329-3585.

Sincerely,

Karen Tusa
Water Resources Program
Eastern Regional Office

KT:md

Enclosure: Legal Notice



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION FOR CHANGE/TRANSFER OF WATER RIGHT UNDER
ONE (1) SURFACE WATER CERTIFICATE

TAKE NOTICE:

That Touchet River Ranch, LLC of Richland, WA, has made application for change/transfer of water right in order to change the point of diversion and add three points of diversion as granted under Touchet Adjudicated Surface Water Certificate No. 345.

That Certificate No. 345 authorizes the diversion of 3.369 cubic-feet per second from April 1 to Sept. 15, and 4.380 cubic-feet per second from Sept. 15 to April 1, each year, for irrigation of 219 acres.

That the authorized point of diversion is from the Touchet River, tributary to the Walla Walla River, located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 29, T. 9 N., R. 34 E.W.M.

That they propose to change the point of diversion and add three points of diversion. After the changes they will have four points of diversion from the Touchet River located as follows: 1) SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 29, **OR** the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 32; 2) SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 32; 3) SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 31; all within T. 9 N., R. 34 E.W.M.; **OR** the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 6, T. 8 N., R. 34 W.W.M; and 4) NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 6, T. 8 N., R. 34 E.W.M.

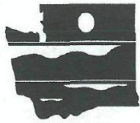
All within Walla Walla County, Washington.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a fifty-(\$50.00) dollar recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from

(Last date of publication to be entered above by publisher)

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
WATER RESOURCES PROGRAM - ERO
PO BOX 47611
OLYMPIA, WA 98504-7611

NOTICE



WASHINGTON STATE
DEPARTMENT OF
ECOLOGY

DAILY MONEY MAIL RECEIPT LOG

For Monies Received on 5/20/2013

Location: <u>ERO</u>			✓	✓	For Fiscal Use Only			
1 Number	2 Remitter	3 Amount	4 Cash	5 Check	6 Purpose	7 Deposited	8 Not Deposited	9 Explanation if not deposited
1	<u>Cert 344, 345 Touchet RI Ranch LLC</u>	<u>294.00</u>		✓	<u>1375 Chg fees</u> <u>WR</u>			
2								
3								
4								
5								
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7								
8								
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10								
11								

TOTAL AMOUNT RECEIVED: \$ 294.00

TOTAL AMOUNT DEPOSITED: \$ _____

RECIPIENT SIGNATURE: Carol Brown

CJ NUMBER: _____

DATE: May 20, 2013

CASHIER SIGNATURE: _____

Distribution - White - Fiscal

Yellow - Fiscal

Pink - Originator